

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Review of the Decision of the)	
Universal Service Administrator by)	
)	
ONEC)	File No. SLD- 372865
Manderson, South Dakota)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: February 2, 2005

Released: February 3, 2005

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. ONEC, Manderson, South Dakota seeks review of a March 3, 2004 decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ For a review of decisions by SLD, requests to the Commission must be filed within 60 days of the issuance of the SLD decision date.² Here, ONEC filed its request after the 60-day period, in contravention of our rules. We therefore dismiss its Request for Review.

2. To the extent that ONEC additionally asks us to waive Commission rules in this instance, we also deny its request.³ Waiver is appropriate only if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the rule.⁴ Given the thousands of applications that SLD processes each year, it is administratively necessary to place the burden of meeting deadlines on the applicants.⁵ As we have consistently held in the past, applicants are responsible for submitting their appeals in a timely manner and complying with program rules and procedures.⁶ Hence, staffing changes does not relieve applicants of their responsibility to

¹ Letter from Theodore Hamilton, ONEC, to Federal Communications Commission, filed August 2, 2004 (Request for Review). Letter from the Schools and Libraries Division, Universal Service Administrative Company, to Bryon Wilcox, ONEC, dated March 3, 2004. Any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

² 47 C.F.R. § 54.720(b). *See Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, 9221, paras.55-56 (2003).

³ 47 C.F.R. § 54.720(b).

⁴ 47 C.F.R. § 1.3; *see Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁵ *See Request for Review by Anderson School Staatsburg, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-133664, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 25610, 25612-25613, para. 8 (Com. Car. Bur. 2000).

⁶ *Request for Waiver by Duncan Public Library, et al, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-325536, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 22430, 22431, para. 3 (Wireline Comp. Bur. 2003); *Request for Review by Danbury Public Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the*

comply with the Commission's rules and procedures.⁷ In keeping with our prior decisions, we determine that ONEC has not demonstrated the special circumstances necessary for a waiver of our rules.

3. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), that the Request for Review filed August 2, 2004, by ONEC, Manderson, South Dakota, IS DENIED and the request to waive the 60-day time limit in which to file an appeal IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Vickie S. Robinson
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

National Exchange Carrier Association, Inc., File No. NEC.471.04-13-00.31900001, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 10910, paras. 4-5 (Com. Car. Bur. 2001).

⁷ *Request for Review by St. Mary's Public Library, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. NEC.471.12-07-99.02000002, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 12936, 12938, para. 5 (Com. Car. Bur. 2001).